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SENATE BILL 1026

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

John C. Ryan

AN ACT

RELATING TO ENERGY ASSISTANCE; PROVIDING FOR HOME HEATING RELIEF; REVISING THE MORATORIUM ON DISCONNECTION OF UTILITY SERVICE FOR HEATING DURING CERTAIN WINTER MONTHS; PROVIDING PAYMENT OPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 27-6-18.1 NMSA 1978 is enacted to read:

"27-6-18.1. [NEW MATERIAL] PROHIBITION ON DISCONTINUANCE OR DISCONNECTION OF UTILITY SERVICE DURING THE WINTER HEATING SEASON--MINIMUM PAYMENTS--PAYMENT PLANS--EXCEPTIONS.--

A. Except as provided in Subsections C and E of this section, unless requested by the customer, no utility shall discontinue or disconnect service to a residential customer during the heating season for nonpayment of the

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1 customer's utility bill, if:

2 (1) the customer has been qualified to receive  
3 assistance pursuant to the low-income home energy assistance  
4 program by the administering authority during the program's  
5 current season; and

6 (2) the customer enters into one of the  
7 following payment options selected by the customer and the  
8 customer agrees to:

9 (a) pay: 1) a minimum of twenty-five  
10 percent of the customer's current charges for each month during  
11 the heating season in addition to any assistance provided by  
12 the low-income home energy assistance program that has been  
13 applied to the customer's utility bill; and 2) past due charges  
14 in monthly installments in addition to the current monthly  
15 charges due based on a monthly payment plan entered into with  
16 the utility; or

17 (b) pursuant to a budget payment plan  
18 with the utility approved by the public regulation commission  
19 in which the customer agrees to pay an equal amount each month  
20 throughout the year.

21 B. In regard to the option set forth in  
22 Subparagraph (a) of Paragraph (2) of Subsection A of this  
23 section, a monthly payment plan shall require that the  
24 customer:

25 (1) pay the past due charges from the

1 customer's utility bills in full before the beginning of the  
2 next heating season; and

3 (2) pay for continued utility service during  
4 the nonheating season.

5 C. In regard to the payment option set forth in  
6 Subparagraphs (a) and (b) of Paragraph (2) of Subsection A of  
7 this section, if the customer does not pay the past due charges  
8 from the customer's utility bill from the prior heating season  
9 before the beginning of the next heating season, the customer  
10 shall not be eligible for protection from discontinued or  
11 disconnected utility service pursuant to this section during  
12 that next heating season until the past due charges are paid in  
13 full.

14 D. A customer who has defaulted on the customer's  
15 chosen payment plan and whose utility service has been  
16 discontinued or disconnected during the nonheating season can  
17 be reconnected and maintain the protection afforded by this  
18 section by paying reconnection charges, if any, and by paying  
19 the amount due pursuant to the payment plan by the date on  
20 which service is reconnected.

21 E. The prohibition on the discontinuance or  
22 disconnection of service pursuant to Subsection A of this  
23 section shall not apply in a heating season for which the state  
24 does not provide money to the human services department for the  
25 low-income home energy assistance program in an amount at least

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1 equal to funds received from the federal low-income home energy  
2 assistance program in the prior fiscal year.

3 F. If a customer notifies the utility that the  
4 customer needs payment assistance and if the customer requests,  
5 the utility shall promptly report the customer's request for  
6 assistance to the administering authority. The administering  
7 authority shall take prompt action to evaluate the customer's  
8 eligibility for the low-income home energy assistance program.

9 G. Utilities subject to this section shall make the  
10 following information available to the public regarding:

11 (1) the low-income home energy assistance  
12 program's:

13 (a) application forms;

14 (b) requirements for qualifying for the  
15 program;

16 (c) procedures for making an  
17 application; and

18 (d) location to which an application may  
19 be submitted; and

20 (2) the protection against discontinued and  
21 disconnected service set forth in this section for customers  
22 seeking assistance paying utility bills during a heating  
23 season, including:

24 (a) payment options; and

25 (b) circumstances under which

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1 disconnection or discontinuance of service may occur.

2 H. As used in this section:

3 (1) "administering authority" means the human  
4 services department or a tribal entity that administers its own  
5 low-income home energy assistance program;

6 (2) "current season" means the period  
7 beginning in September and continuing through August of the  
8 subsequent year;

9 (3) "heating season" means the period  
10 beginning November 15 and continuing through March 15 of the  
11 subsequent year;

12 (4) "nonheating season" means the period  
13 beginning on March 16 and continuing through November 14 of the  
14 same year; and

15 (5) "tribal entity" means the governing body  
16 or an agency of a federally recognized Indian nation, tribe or  
17 pueblo located in whole or in part in New Mexico."

18 Section 2. REPEAL.--Section 27-6-18 NMSA 1978 (being Laws  
19 2005 (1st S.S.), Chapter 2, Section 2) is repealed.